



Medical Marijuana Regulations Proposed Revisions

Planning Commission
Public Hearing
July 16, 2014



Mayor & Council Direction

April 8, 2014 – Mayor & Council initiates following amendments:

1. Lift off-site cultivation location **size limit** I-1 and I-2 zone only.
2. Allow **infusion kitchen** within dispensaries and off-site cultivation locations.
3. Include a **two-year sunset**.

Wanted to know impact on the industrial zones.



Background

- November 2, 2010 – Voters approved Proposition 203 – legalization of medical marijuana
- November 23, 2010 – City adopted medical marijuana regulations
- April 8, 2014 – M/C initiated amendments to the regulations
- May 14, 2014 – Stakeholders discussed draft proposal
- June 4, 2014 – Planning Commission set amendments for public hearing



State Legislation

Dispensary and Cultivation Location Relation

- (1) Dispensary per Community Health Analysis Area (CHAA)
- A Dispensary can have one Cultivation Location, either at the Dispensary or at an Off-site Location
- The Dispensary's Cultivation Location may be located anywhere in the State where a jurisdiction allows a Cultivation Location
- A CHAA may contain more than one Cultivation Location



CITY OF TUCSON

Medical Marijuana

Legend

- Major Road
- City Limits
- Dispensary and Offsite Cultivation
- Commercial Zone (C-2 & C-3)
- Industrial Zone (I-1 & I-2)

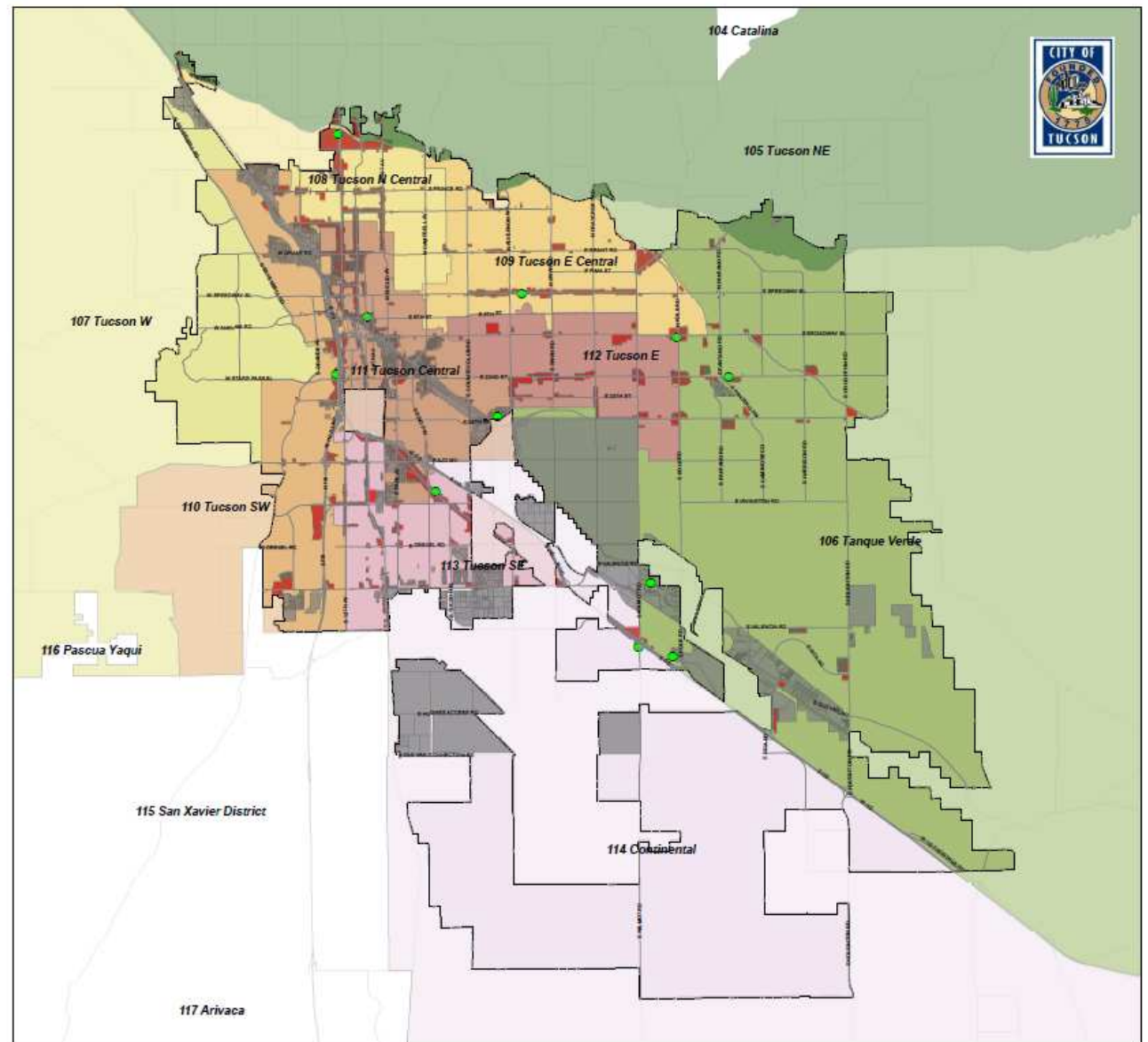
CHAA

- 105- Tucson NE
- 106- Tanque Verde
- 107- Tucson W
- 108- Tucson N Central
- 109- Tucson E Central
- 110- Tucson SW
- 111- Tucson Central
- 112- Tucson E
- 113- Tucson SE
- 114- Continental

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Size Limit in I- Zones

Lift the size limitation of off-site cultivation locations in the I-1 and I-2 zone.

Current Size Limit– **3,000 SF maximum**

Recommendation – Remove the floor area restriction in the I-1 & I-2 zones (Sec. 4.9.9.E.2)

Maximum floor area of 3,000 SF remains in C-2 & C-3 zones.



Comparison of Off-site Cultivation Location in State

	Permitted Zones	Approval Process	Max Floor Area Permitted (Square Feet)	Number of Offsite Cultivation Site
A.R.S.	•NA	Approval to Operate	NA	25
Flagstaff	•Highway and Urban Commercial •Light and Heavy Industrial	Administrative	No space size limit (previously 5,000)	1
Glendale	•Light and Heavy Industrial	Administrative	25,000	2
Marana	•Residential, Commercial, Industrial, and Quasi-public Lot •Designated Flood Plain •Transportation Corridor	Conditional Use	Off-site Cultivation Prohibited	0
Mesa	•Limited and General Industrial	Administrative	25,000	3
Oro Valley	•Medium- and High-Intensity Commercial	Administrative	2,000	0
Peoria	•Business Park Industrial •Planned Light Industrial •Light and Heavy Industrial	Conditional Use	No space size limit	1
Phoenix	•Suburban Ranch •Light Industrial	Administrative	No space size limit	7
Pima County	•CB-2	Conditional Use	2,000	0
Sahuarita	•Transitional Zone •General Business Zone	Administrative	2,000	0
Scottsdale	•Special Campus •Industrial Park	Conditional Use	No space size limit	0 (1 underway)
Tempe	•General and Heavy Industrial	Administrative	Limited SF with one exit	1 (4,864 SF)
Tucson	•General and Intensive Commercial •Light and Heavy Industrial	Administrative	3,000	3



Infusion Kitchens

Allow infusion kitchens within dispensaries and off-site cultivation locations.

Recommendation - Clarify infusion kitchens are allowed in dispensaries and off-site cultivation locations. (Sec. 4.9.9.1.I and add Sec. 4.9.9.2.H)



Sunset Clause

Include a two-year sunset clause.

Recommendation - Establish by a separate ordinance and set January 31, 2017 as the sunset date for the provisions.



Commission and Stakeholder Considerations

- Reduce certain, **sensitive-use setbacks** for off-site cultivation locations
- Increase the retail dispensaries **hours of operation**
- Allow **deliveries** to hospice patients
- Increase the **size** of retail dispensaries
- Allow off-site cultivation locations in **C-1 zone**
- Allow a **four-year sunset** for establishing businesses



Statewide Comparison of Off-site Cultivation Setback

	School	Childcare	Church	Library	Park	Substance Abuse	Other Medical Marijuana Site	Residential Zones
A.R.S.	500	NA	NA	NA	NA	NA	NA	NA
Flagstaff	750	750	750	750	750	750	2,000	NA
Glendale	1,320	NA	NA	NA	NA	NA	5,280	1,320
Marana	1,000	1,000	1,000	1,000	1,000	2,000	2,000	NA
Mesa	1,200	NA	1,200	1,200	1,200	NA	2,400	NA
Oro Valley	1,000	1,000	NA	NA	NA	NA	2,000	NA
Peoria	1,000	1,000	NA	NA	NA	NA	2,640	500
Pima County	1,000	1,000	1,000	1,000	1,000	1,000	2,000	NA
Phoenix*	1,320	1,320	500	NA	1,320	NA	5,280	1,000
Sahuarita	1,000	1,000	1,000	1,000	1,000	1,000	2,000	NA
Scottsdale	500	NA	NA	NA	NA	NA	1,320	500
Tempe	1,320	1,320	1,320	1,320	1,320	NA	1,320	NA
Tucson	1,000	1,000	1,000	1,000	1,000	2,000	2,000	NA

*shall be setback 1,000 feet from all property lines



Impact of Potential Off-site Cultivation in the Industrial Zones

Separation Requirements from Sensitive Uses

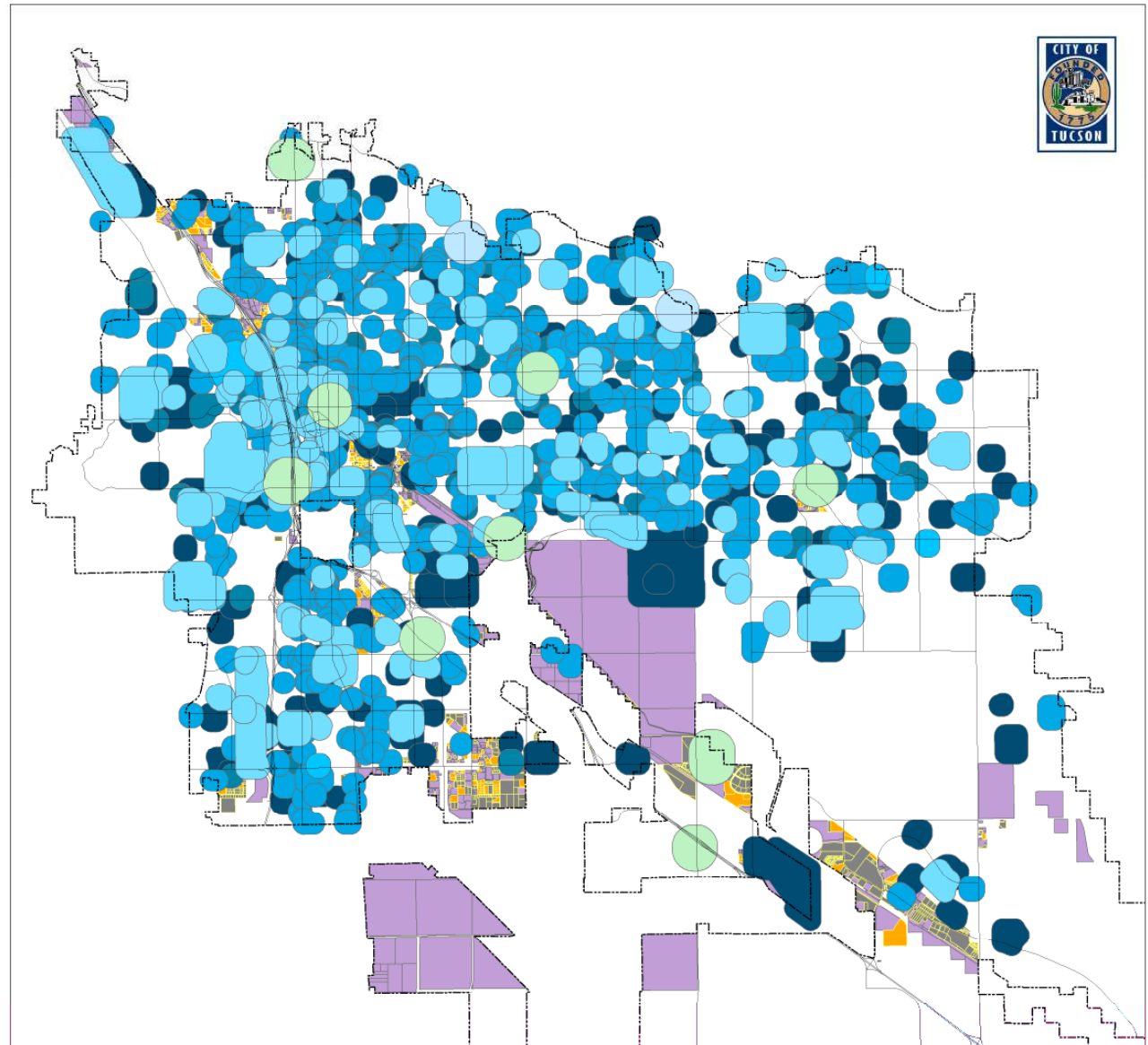
Legend

-  Dispensary/Cultivation Setback
-  Substance Abuse Setback
-  Park Setback
-  Library Setback
-  Church Setback
-  Childcare Setback
-  School Setback
-  Industrial Warehouse
-  Industrial Vacant Land
-  Industrial Parcel
-  Major Road
-  City Limits

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Impact of Potential Off-site Cultivation in the Industrial Zones

State Statute Separation Requirements from Elementary and Secondary Schools

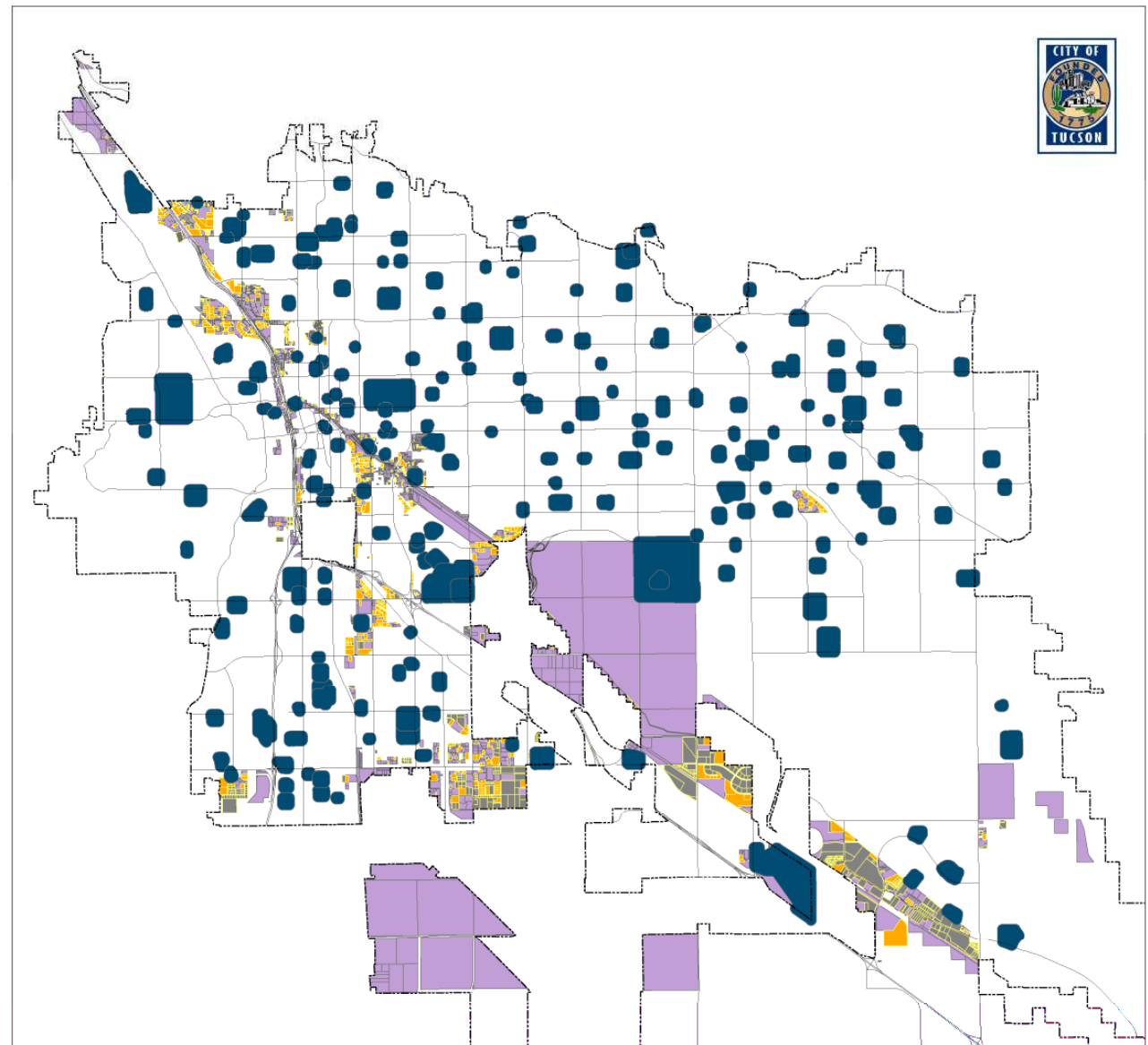
Legend

-  School Setback
-  Industrial Warehouse
-  Industrial Vacant Land
-  Industrial Parcel
-  Major Road
-  City Limits

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Setback Reduction

Reduce certain setbacks for off-site cultivation locations in I-1 and I-2 zones.

Current Setbacks –

- 1,000 feet: school, childcare, church, library or public park
- 2,000 feet: other dispensary or off-site cultivation locations, substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility

Recommendation – Require **500' setback** from an Elementary and Secondary Educational Use in I-1 & I-2 Zones (Sec. 4.9.9.E)



Comparison of Dispensary Regulation in State

	Hours of Operation	Delivery
A.R.S.	NA	NA
Flagstaff	8 a.m. to 7 p.m.	prohibited
Glendale	8 a.m. to 8 p.m.	prohibited
Marana	9 a.m. to 5 p.m.	silent
Mesa	8 a.m. to 9 p.m.	prohibited
Oro Valley	9 a.m. to 5 p.m.	silent
Peoria	8 a.m. to 9 p.m.	prohibited
Pima County	9 a.m. to 5 p.m.	prohibited
Phoenix	8 a.m. to 7 p.m.	silent
Sahuarita	9 a.m. to 5 p.m.	prohibited
Scottsdale	6 a.m. to 7 p.m.	silent
Tempe	8 a.m. to 6 p.m.	silent
Tucson	9 a.m. to 7 p.m.	prohibited



Hours of Operation

Expand the hours of operation for medical marijuana dispensaries.

Current Hours of Operation – 9:00 a.m. to 7:00 p.m.

Recommendation – Extend hours of operation from 7:00 a.m. and keep 7:00 p.m closing time. (Sec. 4.9.9.E - Use Specific Standards)



Delivery to Hospice Patients

Allow delivery of medical marijuana to hospice patients.

Current Regulation – Dispensaries are prohibited to offer off-site delivery

Recommendation – Allow delivery to hospice patients and other dispensaries. (Sec. 4.9.9.E)



Comparison of Dispensary in State

	Permitted Zones	Max Floor Area Permitted (Square Feet)	Number of Dispensary Site	Number of CHAA in City
A.R.S.	•NA	NA	99	126 (110 eligible)
Flagstaff	•Highway and Urban Commercial •Light and Heavy Industrial	No space size limit (previously 2,500)	2	2
Glendale	•General Office •General and Heavy Commercial	2,000	2	6
Marana	•Residential, Commercial, Industrial, & Quasi-public Lot •Designated Flood Plain •Transportation Corridor	No space size limit	2 (2 dispensary limit as per population)	5
Mesa	•Limited and General Industrial	2,500	4	5
Oro Valley	•Medium- and High-Intensity Commercial	2,000	1	3 (2 developable)
Peoria	•Intermediate, General, and Regional Commercial	No space size limit	2	5
Phoenix	•Intermediate Commercial •Light Industrial	2,000	14	19
Pima County	•CB-2	2,000	1	18
Sahuarita	•Transitional Zone •General Business Zone	2,000	1	2
Scottsdale	•Special Campus •Commercial Office •Industrial Park	No space size limit	1	2 (1 developable)
Tempe	•Planned, Regional, and Shopping/Service Commercial •Light, General and Heavy Industrial	Limited SF with one exit	2 (1,226 SF & 943 SF)	2
Tucson	•General and Intensive Commercial	2,500	8	8



C- 1 Zone & Dispensary Expansion

Increase retail dispensaries' size and allow offsite cultivation locations in the C-1 Zone.

Recommendation – Do not expand dispensaries or permitted zones at this time.



Staff Recommendation

- Forward this item to the Mayor and Council to adopt the recommended amendments.
- Staff does not recommend:
 - Expanding off-site cultivation locations into the C-1 zone
 - Expanding retail dispensaries size